

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IN RE: FLINT WATER LITIGATION

Case No. 5:16-cv-10444-JEL-MKM  
Hon. Judith E. Levy

This Document Relates To:

*Gaddy et al. v. Flint et al.*

*Meeks et al. v. Flint et al.*

Case No. 5:17-cv-11166-JEL-MKM

Case No. 5:17-cv-11165-JEL-MKM

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**DEFENDANTS VEOLIA NORTH AMERICA, LLC, VEOLIA NORTH  
AMERICA, INC. AND VEOLIA WATER NORTH AMERICA  
OPERATING SERVICES, LLC'S REPLY DEPOSITION DESIGNATIONS  
AND OBJECTIONS TO PLAINTIFFS' COUNTER-DESIGNATION FOR  
WITNESS DR. MARC EDWARDS**

Defendants Veolia North America, LLC, Veolia North America, Inc. and  
Veolia Water North America Operating Services, LLC submit the following  
Objections to Plaintiffs' Counter-Designations and Reply Designations for witness  
Dr. Marc Edwards.

**REPLY DESIGNATIONS**

(PAGE:LINE)

503:7 – 504:3

531:7 – 531:8

587:6 – 587:14

**OBJECTIONS**

(PAGE:LINE)

415:11 – 415:21 (Form leading, mischaracterizes prior testimony, assumes facts  
not in evidence, improper expert opinion)

- 415:22 – 416:9 (Form calls for speculation, lack of foundation, assumes facts not in evidence, improper expert opinion)
- 417:16 – 417:19 (Form calls for speculation, lack of foundation, assumes facts not in evidence)
- 419:12 – 419:17 (Form calls for speculation, incomplete hypothetical)
- 420:13 – 421:1 (Form calls for speculation, incomplete hypothetical, lack of foundation, assumes facts not in evidence)
- 421:3 – 421:13 (Form calls for speculation, lack of foundation, assumes facts not in evidence)
- 421:15 – 422:11 (Form calls for speculation, incomplete hypothetical, lack of foundation, assumes facts not in evidence)
- 495:13 – 495:19 (Form calls for speculation, lack of foundation)
- 495:20 – 495:24 (Form calls for speculation, lack of foundation)
- 496:1 – 496:5 (Form calls for speculation, lack of foundation)
- 501:7 – 502:19 (Form vague and ambiguous, compound question, mischaracterizes prior testimony)
- 502:20 – 503:3 (Form calls for speculation, incomplete hypothetical, lack of foundation, assumes facts not in evidence)
- 504:5 – 505:24 (Form calls for speculation, incomplete hypothetical, lack of foundation, assumes facts not in evidence, calls for expert opinion)
- 505:1 – 505:9 (Form calls for speculation, incomplete hypothetical, lack of foundation, assumes facts not in evidence, calls for expert opinion)
- 506:11 – 507:9 (Form compound question, improper colloquy, unduly prejudicial)

- 507:10 – 507:21 (Form calls for speculation, incomplete hypothetical, lack of foundation, assumes facts not in evidence, calls for expert opinion)
- 507:24 – 508:9 (Form calls for speculation, incomplete hypothetical, lack of foundation, assumes facts not in evidence, calls for expert opinion)
- 509:3 – 509:13 (Form calls for speculation, incomplete hypothetical, lack of foundation, assumes facts not in evidence, calls for expert opinion)
- 509:15 – 509:20 (Improper colloquy, relevance)
- 509:21 – 510:6 (Form calls for speculation, incomplete hypothetical, lack of foundation, relevance)
- 510:9 – 511:18 (Form calls for speculation, vague and ambiguous, mischaracterizes prior evidence, calls for speculation, lack of foundation, assumes facts not in evidence)
- 511:19 – 512:8 (Form vague and ambiguous, calls for speculation, incomplete hypothetical, lack of foundation)
- 512:9 – 512:24 (Form mischaracterizes prior testimony, lack of foundation)
- 513:14 – 513:19 (Relevance, assumes facts not in evidence)
- 513:20 – 514:20 (Form leading, calls for speculation, relevance, incomplete hypothetical, assumes facts not in evidence)
- 514:22 – 515:7 (Form mischaracterizes prior testimony, lack of foundation, relevance)
- 515:8 – 515:10 (Form leading, lack of foundation, relevance)
- 515:11 – 515:22 (Form leading, calls for speculation, lack of foundation, relevance)

515:23 – 516:2	(Form leading, lack of foundation, relevance, unduly prejudicial)
516:3 – 516:8	(Form leading, lack of foundation, relevance, unduly prejudicial)
516:9 – 517:11	(Form calls for speculation, incomplete hypothetical, assumes facts not in evidence, unduly prejudicial)
517:13 – 517:18	(Form leading, lack of foundation)
517:19 – 518:3	(Form leading, lack of foundation, assumes facts not in evidence, unduly prejudicial)
518:4 – 518:11	(Form leading, lack of foundation)
518:12 – 518:23	(Form calls for speculation, form compound, form vague and ambiguous, incomplete hypothetical, assumes facts not in evidence, lack of foundation, unduly prejudicial)
519:1 – 519:13	(Form calls for speculation, incomplete hypothetical, assumes facts not in evidence, lack of foundation, unduly prejudicial, relevance/materiality)
521:5 – 521:20	(Form leading, improper colloquy, assumes facts not in evidence, lack of foundation, unduly prejudicial)
521:21 – 522:11	(Improper colloquy, unduly prejudicial, argumentative)
522:12 – 522:15	(Form calls for speculation, lack of foundation)
522:16 – 523:6	(Assumes facts not in evidence)
523:14 – 524:4	(Form calls for speculation, incomplete hypothetical, assumes facts not in evidence, lack of foundation)
524:6 – 524:14	(Form leading, mischaracterizes prior testimony)
525:19 – 526:3	(Form vague and ambiguous, form not a question, calls for speculation, improper colloquy, lack of foundation)
527:19 – 528:9	(Form vague and ambiguous, calls for speculation, lack of foundation)

528:20 – 529:8	(Form leading, mischaracterization of prior testimony, assumes facts not in evidence)
529:9 – 529:22	(Form leading, form compound, form vague and ambiguous, calls for speculation, lack of foundation)
530:16 – 531:2	(Form leading, calls for speculation, lack of foundation)
531:4 – 531:15	(Lack of foundation, incomplete hypothetical, calls for speculation, calls for expert opinion)
531:16 – 531:24	(Lack of foundation, incomplete hypothetical, calls for speculation, calls for expert opinion, move to strike)
532:1 – 532:6	(Form calls for speculation, mischaracterizes prior testimony, assumes facts not in evidence)
532:16 – 533:9	(Form calls for speculation, incomplete hypothetical, assumes facts not in evidence, lack of foundation, relevance/materiality)
533:10 – 533:17	(Relevance, unfairly prejudicial, hearsay)
533:18 – 533:22	(Relevance, unfairly prejudicial, calls for hearsay)
533:23 – 534:8	(Relevance, argumentative, unfairly prejudicial, mischaracterizes counsel's statements)
534:12 – 534:24	(Relevance, unfairly prejudicial, argumentative)
535:1 – 535:3	(Relevance, unfairly prejudicial)
535:4 – 535:6	(Relevance, unfairly prejudicial)
535:18 – 536:2	(Relevance, improper colloquy, assumes facts not in evidence, lack of foundation)
536:3 – 536:8	(Relevance, improper colloquy, assumes facts not in evidence, unfairly prejudicial)

- 536:15 – 537:6 (Form calls for speculation, lack of foundation, assumes facts not in evidence)
- 537:7 – 537:20 (Form calls for speculation, form compound, relevance, lack of foundation, assumes facts not in evidence, unfairly prejudicial, attorney testimony, mischaracterizes prior testimony)
- 537:22 – 538:6 (Form mischaracterizes prior evidence, lay opinion, assumes facts not in evidence, relevance)
- 538:7– 538:13 (Form calls for speculation, lay opinion, improper colloquy, assumes facts not in evidence, relevance)
- 538:16 – 538:19 (Form calls for speculation, lay opinion, relevance)
- 538:21 – 539:6 (Form calls for speculation, relevance, lack of foundation, improper hypothetical, lay opinion)
- 587:16 – 587:21 (Form leading, lack of foundation, calls for speculation, incomplete hypothetical)
- 606:11 – 606:14 (Form leading, lack of foundation, calls for speculation, incomplete hypothetical, assumes facts not in evidence)
- 626:21 – 627:16 (Form leading, lack of foundation, mischaracterizes prior evidence, incomplete hypothetical)
- 627:17 – 628:4 (Form leading, lack of foundation, mischaracterizes prior evidence, incomplete hypothetical)
- 628:6 – 628:11 (Form leading, lack of foundation, mischaracterizes prior evidence, incomplete hypothetical, relevance/materiality)

These objections are based upon the understanding that Mr. Edwards is unavailable to testify in person at trial. If such circumstance of his availability is found to be incorrect, VNA reserves the right to call Mr. Edwards to testify in person at trial. VNA reserves the right to amend and/or supplement these reply designations

and objections at any time prior to trial and based on the Court's rulings, evidence introduced at trial. VNA states that depending on the evidence presented at trial, it may wish to introduce additional testimony as evidence or in rebuttal. Therefore, it may be necessary to supplement these reply designations and objections to include testimony not originally designated therein. By submitting these reply designations and objections, VNA does not waive any objections to the use of such testimony and/or exhibits contained in the reply designations, including (but not limited to) those made in motions *in limine*. VNA's inclusion of any testimony and/or exhibits within these reply designations and objections should not be construed as an admission that such testimony and/or exhibit is admissible if offered by Plaintiffs. VNA reserves the right to object to Plaintiffs' attempts to introduce any testimony and/or exhibit included in these reply designations and objections.

VNA reserves the right to offer reply designations and objections made by any other party. In addition, VNA reserves the right to offer deposition testimony of any witness that is needed to authenticate, identify or provide information about any exhibit offered at trial. Finally, to the extent that any fact witnesses or Rule 30(b)(6) corporate designees have not yet been deposed, VNA reserves the right to designate, counter-designate, reply and object to those depositions upon completion.

Respectfully submitted,

CAMPBELL, CONROY & O'NEIL P.C. BUSH SEYFERTH PLLC

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DATED: January 5, 2022

**CERTIFICATE OF SERVICE**

I, James M. Campbell, counsel for defendants Veolia North America, LLC, Veolia North America, Inc., and Veolia Water North America Operating Services, LLC, hereby certify that the foregoing document was electronically filed with the Court on January 5, 2022 using the Court's electronic filing system (ECF), which will send notice of such filing to all counsel of record. The foregoing document is also available for viewing and/or downloading from ECF.

/s/ James M. Campbell

James M. Campbell